

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                  )  
                                 vs. )                                  **8:09CR142-LES-FG3**  
                                  )  
                                  )  
**DAVID W. KOFOED, )                                  **ORDER****  
                                  )  
                                  )  
                                 Defendant. )**

This matter is before the magistrate judge on the defendant's "Motion to Produce Darnell Kush's FBI 1023 Reports" (Doc. 45). The court has conducted an *in camera* review of the documents in question and finds that the documents do not contain any exculpatory information and are not subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). Nor are the documents subject to disclosure under Fed. R. Crim. P. 16, the Jencks Act, or *Giglio v. United States*, 405 U.S. 150 (1972).

**IT IS ORDERED** that defendant's Motion (Doc. 45) is denied.

**DATED August 18, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**